

**Court of Appeals, State of Michigan**

**ORDER**

Daniel Christian Fitt v Jill Ann Fitt

Docket No. 258275

LC No. 98-001433-TM

Michael R. Smolenski  
Presiding Judge

Janet T. Neff

Joel P. Hoekstra  
Judges

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The motion to file a late answer is GRANTED. The answer filed November 5, 2004 is accepted for filing.

The Court orders that the application for leave to appeal is DENIED for lack of merit in the grounds presented in Issues I and II. On remand, however, the trial court must clarify its September 14, 2004 order to specify whether plaintiff was ordered to pay \$10,760.90 in attorney fees or whether the decision as to the amount of fees was held in abeyance pending discovery. Upon clarification, plaintiff may take necessary steps to appeal or seek leave to appeal the amount of attorney fees, if any. We do not consider the merits of Issue III as it arises from an order entered on May 27, 2004, which order is not the subject of the application for leave to appeal. We do not retain jurisdiction in this matter.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 28 2005

Date

*Sandra Schultz Mengel*  
Chief Clerk